

REMARKS

Reconsideration of the patent application as amended is respectfully requested.

Claims 1-8, 10-46, and 48-53 are pending in the application. Claims 1-8, 10-19, 30-30, 49, 50, 52, and 53 have been allowed. Claims 20-29, 40, 41, 48, and 51 have been rejected under 35 U.S.C. §101. Claims 42-46 have been objected to for depending upon a rejected base claim.

Claims 20-29, 40 and 43 have been amended. Claims 41 and 42 have been currently canceled. The amended claims are supported by the specification.

Applicants reserve all rights with respect to the applicability of the doctrine of equivalents.

The Examiner has rejected claims 20-29 under 35 U.S.C. §101 for being directed to non-statutory subject matter. The Office Action states that claims 20-29 are directed to machine-readable storage medium tangibly embodying a sequence of instructions executable by the machine, which do not fall into any statutory subject matter. To overcome the rejection, the Examiner has suggested claims with a "computer readable medium" rather than a "machine-readable storage medium."

Claim 20, as amended, reads as follows.

A computer readable medium encoded with instructions capable of being executed by a computer to perform a method comprising:

- determining a rating of a link in a multilink data connection based on an amount of data that can be transmitted across the link in a set period of time;
- assigning an initial credit value to the link based on the rating;
- producing a current credit value by reducing the initial credit value proportionate to an amount of data currently being transmitted on the link;
- assigning a data unit to be transmitted across the link based on the current credit value; and
- transmitting the data unit across the link.

Claim 20 has been amended in accordance with the suggestion of the Examiner. Claim 20, as amended, is directed to statutory subject matter. Accordingly, Applicants respectfully request withdrawal of the rejection of claim 20 under 35 U.S.C. § 101.

Claims 21-29 have been amended in a similar manner to claim 20 with the phrase "machine-readable storage medium" being replaced with the phrase "computer readable medium." For the reasons stated above, Applicants respectfully request withdrawal of the rejection of claims 21-29 under 35 U.S.C. § 101 given that claim 21-29 depend upon independent claim 20.

The Examiner has objected to claims 42-46 for being dependent upon a rejected base claim which is claim 40. These claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. (Office Action, 10/13/06, page 4).

Claim 40 has been amended to include the allowable limitations of original claim 42 and intervening original claim 41 in combination. Claim 40, as amended, reads as follows.

An apparatus, comprising:

a receiver to receive data units over a multilink data connection;
and

a transmitter to send data units over the multilink data connection, the multilink data connection containing a set of individual links given a set of credit values based on speed of data transmission and current level of data traffic for each link, wherein the set of credit values includes an initial credit value equal to data capable of being sent over the link in a set period of time and a current credit value equal to the initial credit value minus data currently being transmitted, and wherein if two links have the same credit value, a data unit is sent over the link that has a slower speed of data transmission.

(Emphasis Added).

Applicants respectfully submit that independent claim 40, as amended, includes the limitations of original claims 41 and 42. Accordingly, Applicants submit that claim 40 is allowable given that claim 40 includes the allowable limitations of original claims 41 and 42.

Applicants submit that dependent claims 43-46, 48 and 51 are allowable given that claims 43-46, 48 and 51 depend from and include the limitations of independent claim 40.

The Examiner has rejected claims 40, 41, 48, and 51 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,678,264 of Gibson ("Gibson").

Claim 41 has been canceled. Claim 40 contains the allowable limitations of original claims 41 and 42. For the reasons stated above, it is submitted that claim 40, as amended, and dependent claims 48 and 51 are allowable and patentable over Gibson.

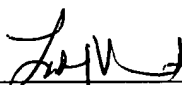
In view of the foregoing amendments and remarks, applicants respectfully submit that all of the rejections and objections have been overcome.

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due.

Respectfully submitted,

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Date: January 16, 2007



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